

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1, 4-11, and 16-25 are pending in the application, with claims 1 and 11 being independent. Claims 1-15 were originally presented in the application. Claims 16-25 have been previously added, and Claims 2, 3 and 12-15 have been previously canceled. Applicant herein amends claims 4, 11, 16, and 18-25. Support for the claim amendments can be found in the original disclosure. No new matter has been added.

### **EX PARTE QUAYLE ACTION:**

The Office states on page 2 of the Office Action: “Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (comm’r Pt. 1935).

“Claims 1, 9-11, 16-25 are allowed over the art of record.

“Claims 4-8 are objected to as they depend from a canceled claim, i.e., claim 4 depends from canceled claim 3. Remaining claims 5-8 depend from claim 4.”

Previously canceled claim 3 was a dependent of independent claim 1. Further, independent claim 1 was formerly amended to include the features and

elements of previously canceled claim 3. Accordingly, Applicant herein amends claim 4 to depend from independent claim 1. No new matter is added.

Applicant respectfully submits that claims 4-8 are allowable as amended. Applicant requests that the objections to claims 4-8 be withdrawn, and an early notice of allowance on all pending claims be granted.

**CORRECTION OF INADVERTENTLY ADDED TEXT:**

Applicant herein removes extraneous text following independent claim 11, which has been unintentionally perpetuated in previous communications with the Office.

The following text has appeared in the listing of claims, after independent claim 11, in recent communications with the Office:

reading a sector of audio content, wherein the reading of the sector is based on amplitude information of the sector;  
determining whether additional sector reads of the audio content are necessary, based on a particular read size of the optical drive; and

Applicant respectfully submits that this extraneous text is inadvertent editing text, and herein corrects the error by striking out the extraneous text in the claim list.

## CONCLUSION

For at least the foregoing reasons, claims 1, 4-11, and 16-25 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the objections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.**

Respectfully submitted,

Lee & Hayes, PLLC  
Representatives for Applicant

/Patrick D.S. Reed/ Dated: 8 April 2008

Patrick D.S. Reed ([patrick@leehayes.com](mailto:patrick@leehayes.com); x252)  
Registration No. 61,227  
Christopher W. Lattin ([christopher@leehayes.com](mailto:christopher@leehayes.com); x263)  
Registration No. 56,064  
Customer No. 22801

Telephone: (509) 324-9256  
Facsimile: (509) 323-8979  
[www.leehayes.com](http://www.leehayes.com)